

## HOMEOWNER ALERT! BANKS MOVING FORWARD WITH FORECLOSURE WHILE FEIGNING TO BE IN LOAN MODIFICATION NEGOTIATIONS WITH TEXAS HOMEOWNER.

*By Robert Z. Cashman, owner of the Cashman Law Firm, PLLC (<http://www.CashmanLawFirm.com>).*

I have been reading more and more about how banks are leading people on to think that their mortgage on which they are in default will not be foreclosed upon because they are in negotiations to modify the terms of their loan. While in negotiations with the banks, banks continue to send foreclosure notices which they tell the homeowners to ignore (while preserving their own rights and moving forward with the foreclosure process). However, when a homeowner receives certified mail, return receipt requested from a bank threatening and the bank customer service representative tells the homeowner to disregard it, who do you trust?

It seems as if lenders are playing a double game -- on the one hand, they feign compliance with HAMP and pretend to be moving forward with a loan modification program. [Side note: Banks don't even call it a loan modification program; they call it a "trial" loan modification program which they can revoke at any moment for any reason.] At the same time, they move forward with a foreclosure proceeding.

In short, Texas homeowners need to be careful when dealing with these institutions. Be sure to document all of your conversations, and to ask for everything in writing. When an agreement is reached, send a certified letter to the bank outlining your conversation and documenting what settlement or terms were agreed to. On top of that, insist that they put the statements they are giving you in writing.

For example, if you are being told to disregard the foreclosure notices, be sure to ask for that in writing. If you are told that they will not place your home for sale at the first Tuesday of the coming month, be sure to get that in writing too. If you are in home loan modification talks, be sure to ask for it in writing. Likely they will be reluctant to do so, at which point you must be aware that they may simply be deceiving you or placating you while they move forward with foreclosure.

Thus, if you are a Texas homeowner and you have initiated discussions with the bank requesting a loan modification or some sort of waiver or extension of the terms of your mortgage, be aware that you may be the only one who thinks you are getting a loan modification. It would be prudent to hire a foreclosure attorney to protect you at every stage of the foreclosure process for the likely reason that while you are sleeping, they may be foreclosing on your home.

*-- This article was written by Robert Z. Cashman, Esq., owner of the Cashman Law Firm, PLLC. The Cashman Law Firm, PLLC is located at 10700 Fondren Road, #802, Houston, TX 77096. For any questions on this article or any other posting, please feel free to call 516-874-3958 or e-mail us at [rzcashman@CashmanLawFirm.com](mailto:rzcashman@CashmanLawFirm.com). As always, before taking action on what is written here, be sure to consult an attorney.*